

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

PHE, INC.,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 4:12-CV-02296-HEA
)	
Does 1-96,)	Honorable Henry E. Autrey
)	
<i>Defendants.</i>)	<i>JURY TRIAL DEMANDED</i>
)	

PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY

On July 22, 2013, Plaintiff filed its Opposition to Doe Defendant 52's Motion to Require Plaintiff to Post Bond [Docket No. 19]. In this opposition, Plaintiff cited to *PHE, Inc. v. Does 1-27*, No. 13-CV-00480, 2013 WL 3225811 (E.D. Mo. June 25, 2013). On the day Plaintiff's opposition was filed, Judge Limbaugh Jr. issued a Memorandum and Order (ECF 24.) *sua sponte* severing the remaining Does, other than Doe 1, from the action. Although Judge Limbaugh Jr. provided reasoning for severance, this again emphasizes the split not only among circuits, but within courthouses on the issues presented by this and similar cases.

Plaintiff relied upon the prior decision to show that Judge Limbaugh recognized the propriety of BitTorrent copyright actions. *PHE, Inc. v. Does 1-27*, No. 13-CV-00480, 2013 WL 3225811, at *3 (E.D. Mo. June 25, 2013). Judge Limbaugh's *sua sponte* severance does not call these case types into question; rather, it addresses manageability and "fundamental fairness" when considering joinder of multiple Does. Plaintiff will address the implications of this recent decision in its opposition to Doe No. 52's recently filed motion to quash. Docket No. 20. Nonetheless, Plaintiff felt it best to raise this recent order to the Court's attention.

Respectfully submitted,
PLAINTIFF PHE, INC.

By its attorneys,
SIMMONS BROWDER GIANARIS
ANGELIDES & BARNERD LLC

Dated: July 24, 2013

By: /s/ Paul A. Lesko
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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2013, I electronically filed the foregoing document via the Court's ECF, electronic email system, upon all of record:

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